

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kist, *et al.*

Application No.: 09/348,425

Examiner: Azad, A.

Date Filed: July 7, 1999

Group: 2654

For: METHOD AND APPARATUS FOR EXECUTING VOICE
COMMANDS HAVING DICTATION AS A PARAMETER

BRIEF ON APPEAL UNDER 37 C.F.R. § 1.192

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This Appeal Brief is being filed in triplicate together with a check in the amount of \$320.00 for filing an appeal brief pursuant to 37 C.F.R. § 1.192. The fee for appeal was timely filed with the Notice of Appeal on May 22, 2003. If, however, the fees paid are deemed to be insufficient, authorization is hereby given to charge any deficiency to the undersigned's Deposit Account No. 50-0951.

REAL PARTIES IN INTEREST

The real party in interest in this application is the assignee, International Business Machines Corporation of Armonk, New York.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences known to the Appellant.

STATUS OF CLAIMS

Claims 22 through 31 are pending in the application. Claims 22 through 31 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,799,279 to Gould *et al.* (Gould). Claims 22 through 31 are on appeal.

STATUS OF AMENDMENTS

A response dated April 22, 2003, was filed subsequent to the final rejection. The response included no claim amendments. The Examiner's Advisory Action mailed May 16, 2003, does not indicate whether the response was entered.

SUMMARY OF THE INVENTION

The Appellants' invention recognizes and processes voice commands having dictation incorporated within the voice command. That is, a voice command can be executed which includes a command component A and a dictation component B, both recognized from a contiguous user utterance. The individual components A and B are isolated and identified. The command component A is executed with the dictation component B being inserted into A for the purpose of executing the voice command.

Conventional speech systems have difficulty processing voice commands mixed with dictation because associated command grammars are, by necessity, coded with a limited number of command patterns or words. Page 15, lines 5-8. As the vast majority of phrases used in ordinary dictation are left out of the command grammars, typical finite speech systems are unable to incorporate dictation within a voice command. Page 15, lines 8-11. In consequence, many conventional speech systems incorrectly

interpret voice commands mixed with dictation as ordinary speech dictation, transcribing the entire spoken phrase as text in a document. Page 15, lines 3-5. The Appellants' claimed invention addresses the unique difficulties regarding the recognition of voice commands that include dictation as a parameter.

According to the Appellants' invention, a user spoken utterance can be speech recognized. For example, a contiguous user spoken utterance such as "schedule a meeting on Thursday regarding next quarter's sales plan" can be received and recognized. In this example, "schedule a meeting on Thursday regarding" is a voice command component and "next quarter's sales plan" is a dictation component. Page 15, line 19 – page 16, line 2. Thus, within a contiguous command utterance, a command component (schedule a meeting on Thursday regarding) having an incorporated dictation component (next quarter's sales plan) can be identified.

A command is a spoken utterance that causes a system to perform a pre-determined function within system or application software other than simply transcribing text. For example, a command can cause a file to be opened or cause text to be deleted from a document. Page 14, lines 12-15. The pattern of words forming the command must conform to the limited command patterns coded into one or more command grammars. Page 16, lines 5-7. The command grammar specifies the allowable words within a command as well as the ordering of allowable words.

Ordinary dictation, or "free-form text", is a spoken utterance which does not contain a pattern of words recognizable by the system for controlling the operation of system or application software. Page 14, lines 5-9. Dictation is spoken merely to have the system convert the spoken words into text within an electronic document. Page 14,

lines 9-10. Dictation can include any set of words in a voice recognition vocabulary, which could consist of tens of thousands of words. Page 16, lines 3-4. As such, dictation is not specified by the command grammar.

A voice command incorporating dictation is a combination of these two, having words comprising a dictation portion or component embedded within a pattern of words comprising a voice command component. Page 14, lines 16-18. The Appellants' invention can execute voice commands where dictation serves as a parameter of the voice commands. The dictation can provide useful information as to how the command will execute.

A grammar is searched for a command pattern corresponding to the recognized voice command component "schedule a meeting on Thursday regarding". Page 16, lines 7-9. For example, "schedule", "meeting", and "regarding" are terms included in a command grammar which collectively are recognizable as a voice command. "Thursday" is a recognized parameter for the voice command, and "next quarter's sales plan" is a dictation portion having words which are not included in the command grammar.

The speech recognition engine coordinates the command grammar with a suitable scripting program to place the voice command in a form recognizable to a speech-enabled system or application software that is to perform the desired event. Page 17, lines 6-10. One or more portions of the dictation component can be extracted and used as parameters of the voice command. Alternatively, the entire dictation component can be used as a parameter of the voice command. Page 17, lines 11-14.

For example, applying a translation rule to the spoken utterance of the previous

example, the scripting program can generate the computer system command "schedulemeeting(Thursday, next quarter's sales plan)". Page 18, lines 4-7. The command expression is sent to an active application to perform the event. Page 18, lines 18-19. Thus, the receiving application opens a scheduling program and inserts the dictation portion "next quarter's sales plan" in a suitable meeting text field for a Thursday appointment. Page 18, lines 19-21.

Another example of a command having dictation incorporated or embedded therein can include the command "load all files regarding first quarter results". In this example, the system identifies the words "load all files regarding" as a command component as specified in a command grammar. The words "first quarter results" are identified as the dictation component. As noted, and in contrast to the command component, the dictation component is not specified by the command grammar in terms of the allowable words or the ordering of the words. The command can be provided to a word processing application, for example, to search the file names of all stored documents for the text "first quarter results", or the closest match, and then open the corresponding files. Page 19, lines 5-14.

ISSUES ON APPEAL

1. Whether claims 22-31 are anticipated by Gould under 35 U.S.C. § 102(e)?

GROUPING OF THE CLAIMS

The claims are grouped as follows:

Group 1 – claims 22-23 and 27-28; and

Group 2 – claims 24-26 and 29-31.

These groups of independent and dependent claims are believed to be separately patentable for the reasons set forth in the argument section of this brief, and do not stand or fall together.

ARGUMENT

I. Summary

As set forth below, Gould does not disclose the Appellants' claimed invention. The Appellants' invention identifies and executes a voice command having dictation incorporated within the voice command. Such a command structure is identified from within a contiguous user utterance. Once identified, the command is executed so that the dictation serves as an execution parameter of the voice command.

Gould teaches that speech processing systems can discriminate between dictation and commands. That is, Gould teaches how to determine whether a received utterance is a command or is dictation. Once such a determination is made, Gould processes the utterance either as a command or as dictation. Gould relieves the user from having to manually switch between a dictation recognition mode and a command recognition mode.

Therefore, Gould does not process commands where dictation is incorporated into the command and is used as an execution parameter of the command.

II. The Gould Reference

Gould relates to a method for use in recognizing continuous speech. Abstract.

Gould addresses the problem of speech recognition systems having to operate in one of two different modes to recognize both commands and dictation. Column 1, lines 6-7. Speech recognition systems typically operate in a command mode to recognize speech or voice commands, and operate in another mode to recognize text or dictation. Column 1, lines 6-11. Gould relieves users from manually switching between a command mode and a dictation mode in order to recognize both commands and dictation. Column 1, lines 24-27.

Gould teaches that a suitably configured computer processing system (hereafter CPU) can determine whether recognized speech represents either a command or text (dictation). Column 4, lines 49-52; FIG. 4. If the recognized speech is determined to be a command, the CPU causes an application to execute the command. Column 4, lines 57-62. If, however, the recognized speech is determined to be text or dictation, the CPU causes the application to type the recognized speech as text. Column 4, lines 62-65.

In determining whether received speech is either a command or dictation, Gould uses characteristics common to the natural speech of users. Column 2, lines 46-48. For example, the system disclosed by Gould expects users to pause before and after speaking a command. Column 2, lines 53-55. The system further expects commands to begin with action verbs and dictation to begin with nouns. Column 2, lines 50-54.

Thus, Gould provides a system that can determine whether a user spoken utterance is a command or dictation. Gould does not, however, recognize or process commands incorporating dictation.

III. Deficiencies of Cited References

Gould does not teach all of the limitations recited in claims 22-31.

A. Group 1: Claims 22-23 and 27-28

As noted, the Appellants' invention can identify, within a voice command, a command component A and a dictation component B, both from a contiguous user utterance. The command component A is executed while the dictation component B is inserted into A for the purpose of executing the voice command.

Appellants' invention specifically recites in claim 22 and 27 that a voice command having a voice command component and a dictation component can be identified. As such, the voice commands are comprised of two components, a voice command component and a dictation component. The dictation component is incorporated or embedded within the voice command component. While the voice command component is specified by a command grammar, the dictation component is free-form text which, as explicitly stated, is not specified by the command grammar.

Gould does not teach that voice commands can include a voice command component and a dictation component. Rather, Gould recognizes user speech and makes a determination as to whether the received speech is a command or text (dictation). Thus, taking the previous example of a user utterance specifying a voice command having a command component A and a dictation component B embedded therein, Gould would recognize the command component A and the dictation component B separately and independently of one another. That is, Gould would recognize the command component A, determine that the received speech is a

command, and then execute the command. After processing of the command is complete, Gould would begin processing anew. Accordingly, Gould would then recognize the dictation component B, determine that the received speech is dictation, and process the text to display the text upon a display screen. The dictation component B is not used in conjunction with the execution of the command component A.

In support, in Figs. 8a, 8b, 9a, 9b, and the accompanying description in column 5, line 13 – column 6, line 67, Gould teaches that user speech can be recognized as text or as a command. See *also* column 4, lines 45-65. In fact, at column 6, lines 14-29, Gould specifically states that:

While a user's speech is being recognized, the CPU sends keystrokes or scripting language to the application to cause the application to display partial results (i.e., recognized words within an utterance before the entire utterance has been considered) within the document being displayed on the display screen (or in a status window on the display screen). If the CPU determines that the user's speech is text and the partial results match the final results, then the CPU is finished. However, if the CPU determines that the user's speech is text but that the partial results do not match the final results, then the CPU sends keystrokes or scripting language to the application to correct the displayed text. Similarly, if the CPU determines that the user's speech was a command, then the CPU sends keystrokes or scripting language to the application to cause the application to delete the partial results from the screen and execute the command.

As illustrated above, Gould determines whether user speech is either a command or dictation, but does not disclose a command structure which includes a voice command component and a dictation component incorporated or embedded therein.

More particularly, the commands in Gould are fully specified by templates. Templates define commands as single words, phrases, and sentences. Column 4, lines 51-53. The templates define the words that may be said within command sentences

and the order in which the words are to be spoken. Column 4, lines 53-55. The command templates or structures are described in detail in column 5, lines 13-29 and are illustrated in FIG. 7. As shown, command words, phrases, or sentences must adhere, in their entirety, to a particular syntax or structure and include only defined and allowable words. Specifically, the templates specify not only syntax and ordering of words, but also the exact words that can be used within each voice command.

As dictation can include any words recognizable by the speech recognition system without restriction of a command template or command grammar, the templates taught by Gould do not allow for free-form speech or dictation to be included within the structure of a command. Moreover, the Appellants' invention also defines dictation as words "spoken merely to have the system convert the spoken words into text within an electronic document." The Appellants' invention explicitly recites in claims 22 and 27 that the dictation component is not specified by the command grammar. By comparison, each word of a command, as disclosed by Gould, must be fully specified by a template. As such, Gould does not process voice commands having dictation incorporated therein.

The negative limitation in claims 22 and 27 stating that the dictation component is not specified by a command grammar explicitly excludes Gould from consideration as a reference. As noted, commands recognized by Gould must be completely specified in terms of syntax and the allowable words used within a command, while the Appellants' invention can process voice commands having a dictation component that is not specified by a command grammar. Negative limitations are not considered inherently ambiguous or uncertain so long as the boundaries of the patent protection sought are

set forth definitely, albeit negatively. MPEP § 2173.05(i) (8th ed. rev. 2003).

In In re Wakefield, 164 U.S.P.Q. 636 (Cust. & Pat.App., Mar 12, 1970), a claim including a negative claim limitation was initially rejected under 35 U.S.C. § 112 for failing to define the invention. 164 U.S.P.Q. at 638, 641. The claim limitation stated in relevant part that a "homopolymer [was] free from the proteins, soaps, resins and sugars present in natural Hevea rubber". Id. at 638. In upholding the examiner's rejection, the Board of Patent Appeals and Interferences had reasoned that "the use of a negative limitation excluding the characteristics of the prior art products causes the claims to read on a virtually unlimited number of materials, many of which 'might be the full equivalents in their effects of those excluded.'" Id. at 641 (quoting the Board of Patent Appeals and Interferences). The Court, however, disagreed with this reasoning and found the scope of the claims to be definite as each recited limitation was definite. Id.

The Appellants' application defines a voice command as a spoken utterance which causes a system to perform a pre-determined function within system or application software other than simply transcribing text. The Appellants' application further states that the pattern of words forming the command must conform to the limited command patterns coded into one or more command grammars. Page 16, lines 5-7.

Dictation, on the other hand, is defined as a spoken utterance which does not contain a pattern of words recognizable by the system for controlling the operation of system or application software. Page 14, lines 5-9. Dictation is spoken merely to have the system convert the spoken words into text within an electronic document. Page 14,

lines 9-10. As dictation does not contain a pattern of words recognizable for controlling operation of a system or application (as specified in a command grammar), dictation is not specified by a command grammar.

Similar to the circumstances in Wakefield, the negative limitation stating that the dictation component is not specified by a command grammar provides a definite limitation. This claim limitation indicates that the command grammar does not completely specify the syntax or set of allowable words and/or phrases that may form a dictation component. That is, the dictation component can be formed of any words and/or phrases that are recognizable by the speech recognition system, and as such, is not limited by the syntax and/or ordering of words specified by a command grammar or template.

To illustrate the operation of Gould with respect to both distinguishing between commands and dictation, and the manner in which templates work, Gould provides an example where the partial speech recognition results "schedule this meeting in room 507" are displayed. In the disclosed example, the Gould system determines that the user spoken utterance was a command, causes the text corresponding to a partial recognition result to be removed from the screen, and causes the command to be executed. Column 6, lines 30-41.

While the phrase offered by Gould as an example is similar to the phrase used by the Appellants, the similarities go no further. More particularly, the phrase "schedule this meeting in room 507", as taught by Gould, is a fully specified speech command having no portions of dictation contained therein. The entirety of the phrase "schedule this meeting in room 507" must conform to a template. In contrast, the Appellants'

invention can identify voice commands having a command component and a dictation component that is not specified by a command grammar. The ordering of words and/or phrases forming the dictation component can include any words recognizable by the speech recognition system, and further, can be in any ordering.

Gould does teach that a hierarchy of vocabularies can be used which allow components of each sentence to be spread across several stored vocabularies. For example, rather than specifying a different allowable command structure for each of the following commands "move 1", "move 2", "move 3", etc., a generic command "move <Numeral>" can be specified with the variable "Numeral" referencing a vocabulary that specifies the allowable numbers for use in the command template. At column 5, lines 13-29, Gould states:

Referring to FIG. 7, the command sentences, e.g., 78, 80, 84, and 88, are spoken in accordance with a template and without long, e.g., greater than 0.5 second, pauses between the words of the sentence. (The length of the pause may be adjusted to compensate for a particular user's speech impediment.) For example, command 80 requires the user to speak the fixed word "Move" 88 followed by a direction variable 90 (i.e., <Direction>: "Up", "Down", "Left", "Right", "Back", or "Forward"), a number variable 92 (i.e., <2 to 20>: "2", "3", "4", . . . or "20"), and, optionally (dashed line 94), a plural text object variable 96 (i.e., <Text Objects>: "Characters", "Words", "Lines", "Sentences", or "paragraphs"). If the user wants to move up two lines in previously dictated text, the user says "Move Up 2 Lines". The user may not say "Move Up 2", "Please Move Up 2 Lines", or "Move Up Last 2 Lines" because this speech does not follow the template for Move command 80.

As illustrated by the above passage, each word and its placement within a command is fully specified by the template.

Importantly, Gould's use of the term "text object" is not to be confused with a dictation component as defined in the Appellants' application. As explicitly stated at

column 5, lines 23-25, of the Gould specification, text objects refer to " 'Words', 'Lines', 'Sentences', or 'Paragraphs' ". Specifically, the term "text object" literally refers to a class of words where each one of the words can be used in place of the "text object" variable within a command.

Gould also illustrates possible text objects in FIG. 7, item 78. Further distinguishing the Appellants' invention from that of Gould, is that each variable included within a template refers to a limited class of words that may be used. Each variable is replaced by a single word. In contrast, the Appellants' invention is not so limited as dictation can comprise one or more words as illustrated by the various examples disclosed in Appellants' application. The dictation component can include any word recognizable by the speech system – not just those words conforming to a limited template. In any case, Gould does not disclose voice commands having a voice command component and a dictation component.

Column 6, lines 48-67 of the Gould specification also have been cited in support of the assertion that Gould discloses a voice command having a voice command component and an embedded dictation component. In particular, it has been asserted that the word "bold" can be a text component and a command component depending on the command grammar, and further, that the dictation component does not depend on a command grammar.

Gould states in relevant part that:

One difficulty with recognizing both commands and text against the same set (i.e., one or more) of vocabularies is that language modeling information in the vocabularies may cause the CPU to recognize a user's spoken command as text rather than as a command. Typically, the speech models for dictated words include language modeling information

about the way a user naturally speaks a given language. For example, the word "bold" is generally followed by a noun, e.g., "That was a bold presentation." On the other hand, command sentences are purposefully stilted or unnatural (e.g., beginning with action verbs instead of nouns) to distinguish them from text and improve speech recognition accuracy. For example, the command "bold" is generally followed by a direction (e.g., next, last), a number (e.g., 2, 3, 4), or a text object (e.g., character, paragraph), e.g., "Bold last paragraph." When a user's speech is recognized for commands and text against the same set of vocabularies, any language modeling information in the vocabularies tends to cause the system to favor the recognition of text over commands. (Column 6, lines 48-67)

The above excerpt illustrates only that Gould can recognize both voice commands and dictation independently of one another. The Appellants, however, do not dispute this aspect of Gould. Rather, the Appellants contend that Gould cannot recognize a voice command structure having a voice command component and an embedded dictation component, both existing as part of the voice command structure. The above passage does not teach or suggest such capability.

Notably, claims 22 and 27 call for a voice command structure having two distinct components, a voice command component and a dictation component. The above portion of Gould which was relied upon for the assertion that Gould anticipates these claims includes only a single object. That is, while the term "bold" can be recognized as either a command or as dictation, the term cannot serve as both a command component and a dictation component at the same time. In consequence, Gould does not disclose a voice command having a voice command component and an embedded dictation component.

Gould further includes no teaching that the identified command component can be executed using at least a part of the dictation component as an execution parameter

of the voice command. Columns 5 and 6 of the Gould specification, and particularly column 6, lines 14-29, have been cited in support of the assertion that Gould can execute commands having dictation as a parameter. This passage, however, includes no such teaching.

Instead, the passage further illustrates how Gould recognizes a user utterance as either a command or as text. Specifically, Gould teaches that if user speech is initially determined by the system to be dictation, the dictation can be displayed upon a display screen. If the user speech is subsequently determined to be a command, the text is removed from the display screen and is then executed. If the user speech is subsequently determined to be text, however, the partial results initially displayed upon the display screen are left upon the display as text or dictation.

In sum, Gould teaches that text can be recognized as either a command or as dictation. Gould fails to teach that a command incorporating dictation as a parameter can be processed, or that such a command can be executed where the incorporated dictation serves as an execution parameter. Accordingly, Gould does not anticipate claims 22-23 and 27-28 of the Appellants' invention.

B. Group 2: Claims 24-26 and 29-31

Appellants' invention specifically recites in claim 24-26 and 29-31 that at least a part of the dictation component can be provided to a computing application as part of an application command. Gould, however, includes no such teaching.

In columns 5 and 6, the passages cited in support of the proposition that claims 24-26 and 29-31 are anticipated, Gould discusses the command templates in reference

to FIG. 7. As taught by Gould, each command must conform to a template which specifies the particular syntax of a command as well as the exact words that are allowed within each command. The templates disallow dictation within the commands that are understood by Gould. Accordingly, Gould cannot provide at least a part of a dictation component to a computing application as part of an application command.

In rejecting claims 25 and 30, column 6, lines 16-29 have been cited for the proposition that Gould teaches that at least a part of the dictation component can be inserted in a text field of the associated computing application. As previously discussed, the cited portion of Gould discloses only that while a user's speech is being recognized, the CPU causes the application to display the partial results. If the partially recognized results match a final determination of the results, indicating that the speech was in fact text, then the CPU is finished. If the CPU determines that either the speech is text but is incorrect, or that the speech was a command, the CPU can send instructions to delete or retract the partially recognized text from the screen.

Thus, Gould recognizes speech as text or as a voice command and pursues one of two different processing paths depending upon the classification of the recognized speech. FIG. 4. Gould, however, does not insert at least a portion of a dictation component in a text field of an associated application. At most, Gould utilizes conventional command parameters that are fully specified by a template. For example, FIG. 8b and the accompanying description at column 6, lines 30-35 illustrate that the command "schedule this meeting in room 507" is a fully specified command as set forth in a command template. Specifically, within the exemplary command, no portion of dictation exists as the use and placement of each word is fully dictated by the template.

The Appellants' invention, however, having the ability to incorporate dictation within a voice command could not only schedule such a meeting, but also insert dictation within a "regarding" field of a meeting scheduling application. For example, the Appellants' invention can process the voice command "schedule a meeting on Thursday regarding next quarter's sales plan", where the dictation component "next quarter's sales plan" is not specified by a template in terms of the allowable words or the ordering of the words. The dictation component could just as easily be "future marketing strategies" or any other text that is recognizable by the speech recognition system. Accordingly, the dictation component is not limited to a particular class of words such as numerals or days of the week as taught by Gould.

Hence, Gould does not provide at least a part of a dictation component to a computing application as part of an application command. Gould further does not insert part of a dictation component within a text field of an application.

CONCLUSION

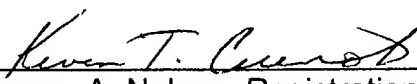
Appellant's invention relates to a method and apparatus for processing voice commands having dictation as a parameter. The Gould reference, relied upon in rejecting claims 22-31 under 35 U.S.C. § 102(e), does not disclose all of the limitations recited in the claims.

Accordingly, Appellants believe that the claimed method and apparatus for processing voice commands having a voice command component and a dictation component embedded therein, as defined in claims 22-31, are not anticipated under 35 U.S.C. § 102(e) by the Gould reference. It is thus submitted that claims 22-31 define a

patentably distinguishable invention over the prior art made of record, and a Notice of Allowance for claims 22-31 is accordingly and courteously solicited.

Respectfully submitted,

Date: 7/22/03



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APPENDIX

22. In a speech recognition system, a method of processing a voice command comprising:

identifying a voice command having a voice command component and a dictation component within a contiguous utterance, wherein said voice command component is specified by a command grammar and said dictation component is free-form text which is not specified by said command grammar, and wherein said dictation component is embedded within said voice command; and

executing said identified voice command component using at least a part of said dictation component as an execution parameter of said voice command.

23. The method of claim 22, wherein said executing step comprises:

loading a translation rule and linking said voice command component to an application command using said translation rule; and

providing said application command to an associated computing application.

24. The method of claim 23, wherein said providing step comprises providing said at least a part of said dictation component as a parameter of said application command to said associated computing application.

25. The method of claim 24, wherein said providing step further comprises inserting said at least a part of said dictation component in a text field of said associated computing application.

26. The method of claim 22, wherein said executing step comprises providing said voice command component to an associated computing application for processing, and further providing said at least a part of said dictation component as a parameter of said voice command to said computing application.

27. A machine-readable storage, having stored thereon a computer program having a plurality of code sections executable by a machine for causing the machine to perform the steps of:

identifying a voice command having a voice command component and a dictation component within a contiguous utterance, wherein said voice command component is specified by a command grammar and said dictation component is free-form text which is not specified by said command grammar, and wherein said dictation component is embedded within said voice command; and

executing said identified voice command component using at least a part of said dictation component as an execution parameter of said voice command.

28. The machine-readable storage of claim 27, further comprising:

loading a translation rule and linking said voice command component to an application command using said translation rule; and

providing said application command to an associated computing application.

29. The machine-readable storage of claim 28, wherein said providing step

comprises providing said at least a part of said dictation component as a parameter of said application command to said associated computing application.

30. The machine-readable storage of claim 29, wherein said providing step further comprises inserting said at least a part of said dictation component in a text field of said associated computing application.

31. The machine-readable storage of claim 27, wherein said executing step comprises providing said voice command component to an associated computing application for processing, and further providing said at least a part of said dictation component as a parameter of said voice command to said computing application.